

By: Allen

H.B. No. 3477

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of cosmetology, including eyebrow or facial hair threading.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1602.002(a), Occupations Code, is amended to read as follows:

(a) In this chapter, "cosmetology" means the practice of performing or offering to perform for compensation any of the following services:

(1) treating a person's hair by:

(A) providing any method of treatment as a primary service, including arranging, beautifying, bleaching, cleansing, coloring, cutting, dressing, dyeing, processing, shampooing, shaping, singeing, straightening, styling, tinting, or waving;

(B) providing a necessary service that is preparatory or ancillary to a service under Paragraph (A), including bobbing, clipping, cutting, or trimming; or

(C) cutting the person's hair as a separate and independent service for which a charge is directly or indirectly made separately from charges for any other service;

(2) weaving or braiding a person's hair;

(3) shampooing and conditioning a person's hair;

(4) servicing a person's wig or artificial hairpiece

1 on a person's head or on a block after the initial retail sale and
2 servicing in any manner listed in Subdivision (1);

3 (5) treating a person's mustache or beard by
4 arranging, beautifying, coloring, processing, styling, or
5 trimming;

6 (6) cleansing, stimulating, or massaging a person's
7 scalp, face, neck, or arms:

8 (A) by hand or by using a device, apparatus, or
9 appliance; and

10 (B) with or without the use of any cosmetic
11 preparation, antiseptic, tonic, lotion, or cream;

12 (7) beautifying a person's face, neck, or arms using a
13 cosmetic preparation, antiseptic, tonic, lotion, powder, oil,
14 clay, cream, or appliance;

15 (8) administering facial treatments;

16 (9) removing superfluous hair from a person's body
17 using depilatories, preparations, or tweezing techniques;

18 (10) treating a person's nails by:

19 (A) cutting, trimming, polishing, tinting,
20 coloring, cleansing, or manicuring; or

21 (B) attaching false nails;

22 (11) massaging, cleansing, treating, or beautifying a
23 person's hands or feet; [~~or~~]

24 (12) applying semipermanent, thread-like extensions
25 composed of single fibers to a person's eyelashes; or

26 (13) removing superfluous eyebrow or facial hair from
27 a person by using a thin piece of thread that is looped around the

1 hair and pulled to remove the hair.

2 SECTION 2. Chapter 1602, Occupations Code, is amended by
3 adding Subchapter C to read as follows:

4 SUBCHAPTER C. ADVISORY BOARD ON THREADING

5 Sec. 1602.101. ADVISORY BOARD ON THREADING; MEMBERSHIP.

6 The advisory board on threading consists of five members appointed
7 by the presiding officer of the commission, with the commission's
8 approval, as follows:

9 (1) three members who each have at least five years of
10 experience performing eyebrow or facial hair threading;

11 (2) one member who holds an operator license; and

12 (3) one member who represents a small business related
13 to the practice of cosmetology.

14 Sec. 1602.102. TERMS; VACANCY. (a) Members of the advisory
15 board on threading serve two-year terms expiring on February 1 of
16 each odd-numbered year. A member may serve consecutive terms.

17 (b) If a vacancy occurs during a member's term, the
18 presiding officer of the commission, with the commission's
19 approval, shall appoint a replacement to fill the unexpired term.

20 Sec. 1602.103. PRESIDING OFFICER. The presiding officer of
21 the commission shall designate one member of the advisory board on
22 threading to serve as the presiding officer of that advisory board
23 at the will of the presiding officer of the commission.

24 Sec. 1602.104. DUTY OF ADVISORY BOARD ON THREADING. The
25 advisory board on threading shall advise the commission and the
26 department on education and qualifications for instructors of the
27 practice of cosmetology defined in Section 1602.002(a)(13) and make

1 recommendations related to the requirements of a training program
2 under Section 1602.2574.

3 SECTION 3. Section 1602.255, Occupations Code, is amended
4 by amending Subsection (c) and adding Subsection (d) to read as
5 follows:

6 (c) The commission shall adopt rules for the licensing of
7 specialty instructors to teach specialty courses in the practice of
8 cosmetology defined in Sections 1602.002(a)(7), (9), (10), [~~and~~
9 (12), and (13).

10 (d) In adopting rules under Subsection (c), the commission
11 shall require a specialty instructor teaching a specialty course in
12 the practice of cosmetology defined in Section 1602.002(a)(13) to:

13 (1) have at least:

14 (A) three years of experience in eyebrow or
15 facial hair threading; and

16 (B) one year of experience as an owner or manager
17 of a beauty shop or specialty shop; and

18 (2) complete at least 48 hours of specialty training
19 regarding the instruction of eyebrow or facial hair threading.

20 SECTION 4. Subchapter F, Chapter 1602, Occupations Code, is
21 amended by adding Sections 1602.2573 and 1602.2574 to read as
22 follows:

23 Sec. 1602.2573. ELIGIBILITY FOR A SPECIALTY LICENSE IN
24 EYEBROW OR FACIAL HAIR THREADING; WAIVER. (a) A person holding a
25 specialty license in eyebrow or facial hair threading may perform
26 only the practice of cosmetology defined in Section
27 1602.002(a)(13).

1 (b) To be eligible for a specialty license in eyebrow or
2 facial hair threading, an applicant must:

3 (1) be at least 17 years of age;

4 (2) have obtained a high school diploma or the
5 equivalent of a high school diploma or have passed a valid
6 examination administered by a certified testing agency that
7 measures the person's ability to benefit from training; and

8 (3) have completed a training program described by
9 Section 1602.2574 that has been approved by the commission.

10 (c) The commission shall waive the requirement under
11 Subsection (b)(3) for an applicant who has, before the date the
12 person submits an application for a specialty license under this
13 section, completed at least one-half of the number of hours
14 required by Section 1602.254(b)(3) for the issuance of an operator
15 license.

16 Sec. 1602.2574. EYEBROW OR FACIAL HAIR THREADING TRAINING
17 PROGRAM. (a) An eyebrow or facial hair threading training program
18 must include at least 320 hours of classroom instruction and
19 practical experience, including at least eight hours of theoretical
20 instruction, and include instruction in the following areas:

21 (1) recognizing infectious or contagious diseases of
22 the skin and allergic reactions to materials;

23 (2) proper sanitation practices;

24 (3) occupational health and safety practices;

25 (4) eyebrow or facial hair threading techniques;

26 (5) eyebrow shaping techniques; and

27 (6) small business education and training.

1 (b) The commission shall adopt rules regarding eyebrow or
2 facial hair threading training programs and may establish or
3 designate approved training programs.

4 SECTION 5. Section 1602.262(a), Occupations Code, as
5 amended by Chapters 331 (H.B. 2727) and 1241 (S.B. 1170), Acts of
6 the 82nd Legislature, Regular Session, 2011, is reenacted to read
7 as follows:

8 (a) An applicant for a license under this chapter is
9 entitled to the license if the applicant:

- 10 (1) meets the applicable eligibility requirements;
- 11 (2) passes the applicable examination;
- 12 (3) pays the required fee;
- 13 (4) has not committed an act that constitutes a ground
14 for denial of the license; and
- 15 (5) submits an application on a form prescribed by the
16 department.

17 SECTION 6. Section 1602.305(a), Occupations Code, is
18 amended to read as follows:

19 (a) A person holding a specialty shop license may maintain
20 an establishment in which only the practice of cosmetology as
21 defined in Section 1602.002(a)(2), (4), (7), (9), (10), [~~or~~] (12),
22 or (13) is performed.

23 SECTION 7. Section 1602.354, Occupations Code, is amended
24 by adding Subsection (c) to read as follows:

25 (c) Rules adopted under Subsection (a) may require a person
26 holding a specialty license in eyebrow or facial hair threading to
27 complete only not less than four and not more than 10 hours of

1 continuing education each year in threading techniques and health
2 and safety topics.

3 SECTION 8. Section 1602.406(a), Occupations Code, is
4 amended to read as follows:

5 (a) A person holding an operator license, instructor
6 license, specialty license, or specialty certificate may not
7 perform any practice of cosmetology if the person knows the person
8 is suffering from an infectious or contagious disease for which the
9 person is not entitled to protection under the federal Americans
10 with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

11 SECTION 9. (a) Not later than December 1, 2013, the Texas
12 Commission of Licensing and Regulation shall adopt rules to
13 implement Sections 1602.255 and 1602.354, Occupations Code, as
14 amended by this Act, and Sections 1602.2573 and 1602.2574,
15 Occupations Code, as added by this Act.

16 (b) A person is not required to hold a specialty license in
17 eyebrow or facial hair threading issued under Section 1602.2573,
18 Occupations Code, until June 1, 2014.

19 SECTION 10. This Act takes effect September 1, 2013.